

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CITY OF SOUTH BEND,)
)
 Plaintiff,)
)
 v.) Cause No. 3:12-cv-475 JVB-CAN
)
 SOUTH BEND COMMON COUNCIL,)
 TIM CORBETT, DAVE WELLS,)
 STEVE RICHMOND, BRIAN YOUNG,)
 and SANDY YOUNG,)
)
 Defendants)
)

BRIAN YOUNG, SANDY YOUNG,)
 TIMOTHY CORBETT, DAVID WELLS,)
 and STEVE RICHMOND,)
)
 Plaintiffs,)
)
 v.)
)
 THE CITY OF SOUTH BEND Acting)
 through its Police Department, DARRYL)
 BOYKINS, Individually and in his Official)
 Capacity as Chief of Police, KAREN)
 DEPAEPE, and SCOTT DUERRING,)
)
 Defendants.)

DECLARATION OF JEFFREY S. MCQUARY

Jeffrey S. McQuary deposes and says:

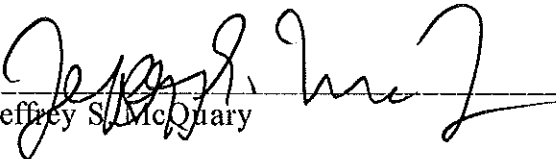
1. I am over the age of eighteen and reside in Marion County, Indiana.

2. I am an attorney admitted to the practice of law in the state of Indiana in 1992 upon graduation from Emory University Law School. I am also admitted to practice before the United States District Courts for the Southern and Northern Districts of Indiana, as well as the United States Court of Appeals for the Seventh Circuit.
3. My practice has focused on government related liability. I have been employed by the Indiana Attorney General's Office in what was then known as its Government Litigation Division, and by the Indianapolis Office of Corporation Council, where my principal clients were the Indianapolis Police Department and the Marion County Sheriff's Department.
4. In 2005 I opened my own practice in Plaintiff's civil rights. Most of my cases consist of police liability under Section 1983 but I also do some Title VII work concerning race and sex discrimination. I also represent police officers in disciplinary and employment disputes with their departments.
5. Since 1992 I have sat as first or second chair in approximately 20 federal jury trials and delivered approximately 15 oral arguments before the Seventh Circuit.
6. I have informed myself of hourly rates charged by trial lawyers in central Indiana and believe that a rate of \$350/hour is comparable to or slightly below what litigators with 20 years of experience charge in this community.

7. Attached hereto as Exhibit A to this Declaration is a printout of my recorded time records of the hours I expended in the above-captioned case after the settlement of my clients claims against the City of South Bend (*i.e.*, only hours expended in the dispute with the South Bend Common Council are listed).

Further Declarant sayeth not.

I swear under penalty of perjury that the foregoing statements are true.



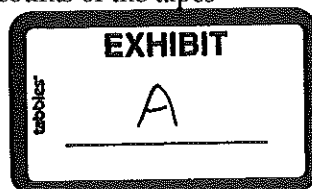
Jeffrey S. McQuary

Young et al. v. City of South Bend, et al.

Attorney: Jeffrey S. McQuary

Cause: 3:23-cv-475 JVB-CAN

Date	Task	Hours
10 Dec. 13	Conference w/ Pfeifer re division of labor on MSJs	0.3
10 Dec. 13	Prepare memo on §§ 2510 and 1983 for incorporation into our MSJ as law statement	3.0
11 Dec. 13	Finishing touches on law statement for MSJ	0.4
11 Dec. 13	E-mail law statement to Pfeifer	0.1
15 Dec. 13	E-mail from Pfeifer about response of Common Council; reply w/ my analysis	0.2
3 Jan. 14	File MET to file MSJs	0.4
3 Jan. 14	Conference with Pfeifer re strategy for disposing remaining claims	0.6
4 Jan. 14	Call from Brian Young asking what happens next	0.3
9 Jan. 14	Review stipulation regarding MSJ briefing schedule	0.2
15 Jan. 14	E-mail from Pfeifer with proposed Amended Complaint; respnd w/ my concerns.	0.6
15 Jan. 14	Conference w/ Pfeifer re amending complaint and responding to MSJ	0.5
15 Jan. 14	Draft amended complaint; e-mail to Pfeifer	1.0
20 Jan. 14	Make corrections to Am. Complaint	0.2
20 Jan. 14	Draft and file Mot. To Amend Complaint	0.8
20 Jan. 14	Review MSJ brief by Common Council	1.5
20 Jan. 14	Read the depo of Thomas Fautz	1.0
20 Jan. 14	Outline the statement of Rick Bishop	0.8
21 Jan. 14	Read <i>High Fructose Corn Syrup</i> and cited cases	2.0
21 Jan. 14	Read City's brief on MSJ	2.0
21 Jan. 14	Read <i>Amatti v. Woodstock</i> and key cited cases	2.2
22 Jan. 14	Call to Brian Young to clarify who had which phone # and timeline of events	0.6
22 Jan. 14	Read Spencer Walton's brief	1.0
22 Jan. 14	Key cite and research cases cited in Council's brief	2.0
22 Jan. 14	Re-read the deposition of Karen DePaepe and her decl.	2.0
23 Jan. 14	Call to David Wells re DePaepe statements to tv and newspaper accounts of the tapes	0.5



23 Jan. 14	Review video tapes of news reports regarding tapes	2.0
23 Jan. 14	Draft Declaration of David Wells	0.7
23 Jan. 14	E-mail Declaration to Wells	0.1
23 Jan. 14	Re-read depo of Steve Richmond	1.5
23 Jan. 14	Draft fact statement of our SJ answer brief	2.5
24 Jan. 14	Call to David Wells re his Declaration	0.3
24 Jan. 14	Revise Declaration of David Wells	0.2
24 Jan. 14	Revise factual statement of SJ response	2.0
24 Jan. 14	Re-read depositions of Richmond and Boykins	2.6
24 Jan. 14	Review City's answers to irogs; pull needed answer	0.3
24 Jan. 14	Call from David Wells re SJ procedure and chances of winning	0.2
24 Jan. 14	Begin Argument section of SJ response	1.6
24 Jan. 14	Call to Pfeifer to leave message re status of briefing	0.1
27 Jan. 14	Complete argument section of SJ brief; state the issues; revise fact section and argument. Draft Designation of Evidence.	6.0
27 Jan. 14	Final review and correction of brief	0.5
27 Jan. 14	File SJ answer brief and evidence	0.4
10 Feb. 14	Read City's and Common Council's SJ responses	2.4
10 Feb. 14	Draft MET to file Response	0.5
10 Feb. 14	E-file MET	0.2
13 Feb. 14	Read City and Common Council's Reply Briefs	2.0
13 Feb. 14	Key Cite cases cited in Council's Reply Brief	1.0
13 Feb. 14	Begin drafting Reply Brief in supt. of our SJ	3.5
14 Feb. 14	Quick review of Karen DePaepe's deposition	0.8
14 Feb. 14	Quick review of Steve Richmond's deposition	0.5
14 Feb. 14	Complete Reply Brief	4.0
14 Feb. 14	E-file Reply Brief	0.2
29 May 14	Call to Pfeifer to prepare for telephone hearing	0.5
29 May 14	Telephone hearing with court	0.5
6 June 14	Review proposed joint fact statement	0.8
6 June 14	Conference with Pfeifer about joint fact statement	0.4
30 June 15	Conference with Pfeifer about Court's status conference	0.4
1 July 14	Review docket note scheduling bench trial; note in calendar	0.1
7 July 14	Read Court's minute order	0.1
7 July 14	Conference with Pfeifer about trial prep	0.6
7 July 14	E-mail from Pfeifer re witness list	0.1
9 July 14	Review docket note of Final p-t-c;	0.2
24 July 14	Call from Pfeifer about depo and cross examination of DePaepe	0.4

6 Aug. 14	Trial prep: re-read depositions of Steve Richmond and Karen DePaepe	2.0
6 Aug. 14	Trial prep: prepare cross-examination of DePaepe	2.0
6 Aug. 14	Read pre-trial order and Council's SJ brief	2.5
6 Aug. 14	Call to Pfeifer about crossing DePaepe	0.3
7 Aug. 14	Read our Trial Brief	0.6
7 Aug. 14	Review opposing party's motions in limine	1.0
7 Aug. 14	Review Council's Trial Brief; key cite its cited cases	1.7
7 Aug. 14	Write out cross examination of DePaepe	2.0
7 Aug. 14	Collect exhibits from depositions that we are going to use and arrange in order	2.0
8 Aug. 14	Review video's of DePaepe's tv appearances for possible impeachment on cross; copy them to DVDs	2.5
8 Aug. 14	Re-read newspaper articles for DePaepe's statements for use on cross	1.5
11 Aug. 14	Call from Brian Young re trial	0.5
11 Aug. 14	Re-read depositions of Darryl Boykins and Karen DePaepe	2.0
11 Aug. 14	Final touches on cross examination of DePaepe	2.0
11 Aug. 14	Review Stipulation of Undisputed Facts	0.2
11 Aug. 14	Review City's response to Council's motion in limine	0.2
11 Aug. 14	Copy and organize exhibits, witness list, and pleadings	2.0
12 Aug. 14	Travel to South Bend	3.1
12 Aug. 14	Bench Trial	10.0
13 Aug. 14	Bench Trial	10.0
13 Aug. 14	Drive from South Bend to Indianapolis	3.1
9 Dec. 14	Research grounds and possible objections for filing a Fee Petition	3.5
11 Dec. 14	Memo to Dan Pfeifer re filing a Fee Petition	2.5
14 Jan. 15	Read Court's decision and order	1.0
14 Jan. 15	Call to Pfeifer re next steps	0.5
22 Jan. 15	Meeting with Pfeifer and Sullivan by telephone re enforcement of Court's decision	2.0
27 Jan. 15	E-mail to David Wells about steps to block subpoenas	0.2
27 Jan. 15	Draft my affidavit in support of Fee Petition	0.4
27 Jan. 15	E-mails to Pfeifer's secretary telling Pfeifer how to make his affidavit	0.4
27 Jan. 15	Begin drafting Fee Petition	2.0
28 Jan. 15	Revise Fee Petition	2.0
28 Jan. 15	Draft Bill of Costs	0.2
28 Jan. 15	E-file Fee Petition and Bill of Costs	0.3
TOTAL		146.6